

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>VS.</b>	)	<b>DOCKET NO. 15-cr-79-GZS</b>
	)	
<b>SHAUN WRAY</b>	)	
	)	

**MOTION TO MODIFY CONDITIONS OF RELEASE**

Now comes the defendant, by counsel, pursuant to 18 U.S.C. § 3142(c)(3) and asks the court to amend the conditions of release. Specifically, the defendant asks the court to modify condition 7(p)(iii) Home Incarceration, to 7(p)(ii) Home Detention allowing the supervising officer discretion to allow Shaun to leave the house for work and programing.

1. The current Conditions of Release place Shaun Wray on Home Incarceration. ECF#51. He has been in compliance with his conditions since his release on May 11, 2015.
2. Shaun is supervised by Ryan Lehr, a pretrial services officer in New York City. Counsel has conferred with officer Lehr who advises that before Shaun can be eligible for employment or educational programs, the court must modify the current home incarceration condition. Pretrial is willing to evaluate work or school opportunities if the court grants pretrial that discretion.

3. Shaun would like to work. He has contacted a former employer, Cold Stone Creamery and been told they are interested in hiring him, part time, days. On July 1, 2015, I called Javaune Graham, the manager of the Cold Stone Creamery<sup>1</sup> ice cream shop located in the Atlantic Terminal shopping mall at 139 Flatbush Ave., Brooklyn, NY, telephone number (718) 230-1562. Mr. Graham informed me that he was interested in hiring Shaun to work part time, days at the store. The work would involve making ice cream and cleaning. Shaun worked there previously for Mr. Graham and knows how to do the job. This is the busy season and Mr. Graham would be able to have Shaun begin working as soon as the court and pretrial allow. Mr. Graham or another manager are in the store and there are normally 6 to 8 employees working on day time shifts. Mr. Graham is aware Shaun was on federal bail and would be under the supervision of a pretrial services officer. On-line research shows the number 3 bus would be about a 24 minute ride, running every 8 minutes from Shaun's residence to the Cold Stone store. Shaun could take the bus directly to and from work.
  
4. We ask the court to modify the conditions of release to Home Confinement so the supervising officer will have discretion to look into this job opportunity and make a determination on if it is an appropriate work opportunity for Shaun. We are not

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<sup>1</sup><http://www.coldstonecreamery.com/stores/22323>

asking the court to rule directly on any specific job or educational program. We are only asking the court to allow pretrial to exercise the type of supervisory discretion they are trained for. This discretion is specifically incorporated in condition 7(p)(ii), Home Detention which reads:

“You are restricted to your residence at all times except for employment; education; religious services, medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer.”

We request the court modify the conditions of release changing Home Incarceration to Home Detention so pretrial has discretion to allow Shaun Wray to work or attend programing as approved by pretrial services in Brooklyn, NY.

Dated: July 2, 2015

/s/ David Beneman  
David Beneman, Esq  
Attorney for Shaun Wray

Federal Public Defender  
P.O. Box 595  
Portland, Me 04112-0595  
207-553-7070 ext. 101  
David\_Beneman@fd.org

**CERTIFICATE OF SERVICE**

I, David Beneman, hereby certify that I have caused, this date, the within **MOTION TO MODIFY CONDITIONS OF RELEASE** to be served upon Assistant United States Attorney **Dan Perry, Esq.**, via the Court's ECF System.

Dated: July 2, 2015

/s/ David Beneman  
David Beneman

CC: Shaun Wray  
Stacy Graf, PO  
Ryan Lehr, PO